

03560.001250.1



9200/3729

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Handwritten signature and date: 03/08/02

In re Application of:)
HIROSHI SUGITANI ET AL.)
Application No.: 09/360,453 ✓)
Filed: July 26, 1999)
For: INK JET HEAD, INK JET)
APPARATUS, AND METHOD)
OF AND APPARATUS FOR)
MANUFACTURING THE HEAD : March 8, 2002
Examiner: D. Tugbang
Group Art Unit: 3729

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON NON-RECEIPT OF OFFICE ACTION

Sir:

A Notice of Abandonment issued on February 8, 2002 in the above-identified application, stating that the application has been abandoned because Applicants had not timely filed a reply to an Office letter mailed on May 30, 2001, resetting the period for response of a previous Office Action, which according to the Patent and Trademark Office was mailed on April 5, 2001.

Applicants hereby petition to withdraw the holding of abandonment because Applicants never received the Office Action mailed on April 5, 2001.

In accordance with the requirements of M.P.E.P. § 711.03(c)II., a statement of the undersigned that the Office Action was not received and attesting to the fact that a search of the

file jacket and docket records indicates that the Office Action was not received, and a copy of the docket records where the non-received Office Action would have been entered had it been received and docketed, are submitted herewith.

In addition, the undersigned has contacted the firm's docketing clerk, Howard S. Greenberg, in the firm's New York office to determine whether the April 5, 2001 Office Action was received from the Patent and Trademark Office. Mr. Greenberg has reviewed the firm's docketing records and confirms that the Office Action was not received. A Declaration by Howard S. Greenberg is also submitted herewith.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any fee that may be associated with the filing of this paper.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 28 286

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

Date: 04/24/01
Time: 13:44:30

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[REDACTED]

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[REDACTED]

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05/05/01 Status Ck

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09/4347

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05/05/01 Status Ck

09/4342

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09/4344

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05/05/01 INFO DISCL

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~~05/05/01 ISSUE FEE~~

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